

MASSACHUSETTS
40 main st, suite 301
florence, ma 01062
tel 413.585.1533
fax 413.585.8904

WASHINGTON
501 third street nw, suite 875
washington, dc 20001
tel 202.265.1490
fax 202.265.1489



Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

September 28, 2011

Re: Notice of *Ex Parte* Presentation, WT Docket No. 11-65

Dear Ms. Dortch,

This letter is to advise you that on September 26, 2011, Derek Turner, Chris Riley, and Joel Kelsey of Free Press met with Louis Peraertz, Legal Advisor to Commissioner Clyburn. The purpose of the meeting was to discuss prior presentations made by Free Press concerning the proposed acquisition of T-Mobile, USA, by AT&T. Specifically, Free Press reiterated the arguments and details from: 1) the highly confidential attachment to its August 11th Notice of *Ex Parte* Presentation, previously filed in this proceeding, and 2) the highly confidential September 19th written *Ex Parte* Presentation previously filed in this proceeding. Copies of these filings, identical to those already in the record, were left with Mr. Peraertz.

Using the data and arguments in the two named filings, Free Press presented three primary arguments in response to recent assertions made by AT&T. First, Free Press contended that a merger of AT&T and T-Mobile – like any other horizontal merger – would result in many job losses. To support this contention, using the September 19th written *Ex Parte* Presentation, Free Press noted that AT&T's claimed \$8 billion investment estimate in its jobs study in fact represents a \$10 billion net loss in total investment, compared to the two separate companies' total investments in the "but for" world. Furthermore, even using the misleading \$8 billion figure, the EPI study's claims must be taken with a grain of salt because its output is measured in "job years" – which would mean 16,000 jobs or fewer if each new job included the entire six year transition period. Second, Free Press argued that competition would be greater in the "but for" world without the proposed merger, and that more competition would translate to greater investment and lower prices for consumers. Finally, Free Press reiterated its demonstration of the flaws in the engineering models offered by AT&T that purport to demonstrate spectrum efficiencies, as explained in the August 11th Notice of *Ex Parte* Presentation.

Sincerely,

/s/ Chris Riley

Chris Riley, Policy Counsel
Free Press, Washington Office
criley@freepress.net

CC via email: Louis Peraertz